IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

OP.No. 11702 of 2003(R)

PETITIONER:

K.S.PREMANANDH, MANAGING PARTNER,
M/S. COCHIN RESIDENCY, 39/5890,
"AISWARYA BUILDINGS", M.G.ROAD, KOCHI 682 015

BY ADV. SRI.T.M.SREEDHARAN

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, ERNAKULAM,
CIVIL STATIONM, KAKKANAD, COCHIN-682 030

2. THE TAHSILDAR (REVENUE RECOVERY)
KANAYANNUR TALUK, ERNAKULAM.

BY GOVERNMENT PLEADER C.K.GOVINDAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.20102/2003 IN O.P. NO.11702/2003

DISMISSED:

9.2.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF REPRESENTATION DT.27.3.2003 SUBMITTED BY PETITIONER TO R1.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.11702 of 2003

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Dated this the 9th day of February, 2007.

JUDGMENT

The petitioner is the son-in-law of the defaulter challenging recovery proceedings. The petitioner cannot be proceeded against just because petitioner is the son-in-law of the defaulter. Recovery has to be made from defaulter's property after tracing such property, whether it be held by legal heirs including the petitioner. If any property is transferred by the defaulter and such transfer is void, then it is for the authority to consider the validity of such transaction with reference to Section 53 of the Transfer of Property Act and proceed for recovery against such properties. The O.P. is disposed of with the above observations.

C.N.RAMACHANDRAN NAIR
Judge

pms